

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**LELAND LOU, TIN S. LOU,
AND MAE LOU**

PLAINTIFFS

V.

NO. 4:12CV00050-MPM-JMV

CITY OF GREENWOOD, ET AL.,

DEFENDANTS

**ORDER REQUIRING PAYMENT OF
ATTORNEY FEES AND EXPENSES**

By Order [39] dated June 7, 2013, the court determined that Plaintiffs' counsel failed to show substantial justification for his and his clients' failure to obey this court's January 16 Order compelling Plaintiffs to respond to discovery and that Plaintiffs' counsel must pay Defendants' reasonable expenses, including attorney fees, associated with the filing of Defendants' Second Motion to Compel. Further, the court ordered that defense counsel file an affidavit of itemized fees and expenses incurred by Defendants in prosecuting Defendants' Second Motion to Compel.

Defense counsel has now submitted an itemized Affidavit [40] which includes 5.25 hours of attorney time at the hourly rate of \$200.00; 1.50 hours of paralegal work at the hourly rate of \$95.00; and other expenses totaling \$10.80. Counsel's Affidavit includes a grand total of \$1,203.30 in fees and expenses. In his Response [41] to defense counsel's Affidavit, Plaintiffs' counsel argues that the stated fees should be reduced for various reasons. However, the court finds that only one of Plaintiffs' counsel's arguments warrants attention.

While the court appreciates the fact that counsel's March 27 good faith letter was appropriate and necessary in an attempt to resolve the underlying matter prior to filing the subject

motion to compel, the court agrees with Plaintiffs' counsel that the motion to compel– which defense counsel states took 2.25 hours to draft– is largely duplicative of the content of the letter. Additionally, the court finds that the nature of the motion to compel was straightforward and required no separate memorandum of authorities. Accordingly, the court finds that the time stated for the motion is unreasonable and should be reduced to .50 hours.

THEREFORE, IT IS ORDERED:

That within thirty (30) days of this date, Plaintiffs' counsel shall pay Defendants a total of \$853.30 for the benefit of their counsel.

This 19th day of June, 2013.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE